

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

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|---|---|-------------------------|
| Marjo Investments, LLC, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 6:04-22983-HMH |
| |) | |
| vs. |) | ORDER |
| |) | |
| Charter Communications II, L.P.; |) | |
| Charter Communications, Inc.; |) | |
| Charter Communications Holdings Capital |) | |
| Corporation; and Charter Communications |) | |
| Holdings, LLC, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on motions by Charter Communications II, L.P., Charter Communications, Inc., Charter Communications Holdings Capital Corporation, and Charter Communications Holdings, LLC (collectively “Charter”) to strike the declarations of Michael Hollingsworth (“Hollingsworth”) and William J. Veatch (“Veatch”) or allow Charter leave to depose them and file supplemental memoranda thereafter. As noted in its order filed September 8, 2005, the court did not rely on these declarations in ruling on the parties’ cross-motions for summary judgment. (Order 1 n.1.) Because the court has already ruled on the pending dispositive motions, and the dispositive motion deadline in this case has passed, the court denies Charter’s motions to strike or give leave to depose and file supplemental memoranda, as the motions are moot.

It is therefore

ORDERED that Charter's motions to strike or give leave to depose and file supplemental memoranda, documents number 102 and 103, are denied.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
September 20, 2005